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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,817	08/26/2003	Richard A. Enos	ENO-1CIP	4560
20808	7590	12/15/2004	EXAMINER	
BROWN & MICHAELS, PC 400 M & T BANK BUILDING 118 NORTH TIOGA ST ITHACA, NY 14850			CHAMBERS, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,817

Applicant(s)

ENOS ET AL.

Examiner

Mike Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-13, 15-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) 6, 14 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

The Declaration filed on 7/12/04 under 37 CFR 1.131 has been considered but is ineffective to overcome the prior art reference. The declaration is ineffective because the declaration states that the applicant is the sole inventor of the instant invention. The original oath lists two inventors for the instant invention. This error creates a flawed declaration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3,4,6,8, 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Crain. Crain discloses a fastener body, a tension pin, a compression spring and one or more end caps, wherein said fastener is a removable unitary device (4:7-8, fig 4). Note: the use of the fastener with a lacrosse head in the preamble is not positively recited and does not limit the claim language.

As to claim 3: Crain discloses a round shape (fig 3).

As to claim 4: Crain discloses a spring (5:16-17).

As to claim 6: Crain discloses means for pulling said fastener from said shaft (13). The lip of the plug is considered a means for pulling the fastener from the shaft.

As to claim 8: See claim 1 rejection.

As to claim 10: Crain discloses a round shape (fig 3).

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As to claim 11: See claim 4 rejection.

As to claim 13: See claim 6 rejection.

Also,

Claims 1-4,6,8-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson. Wilson discloses a fastener body, a tension pin, a compression spring and one or more end caps, wherein said fastener is a removable unitary device (4:7-8, fig 4). Note: the use of the fastener with a lacrosse head in the preamble is not positively recited and does not limit the claim language.

As to claim 2: Wilson discloses a plastic fastener body (4:43-48).

As to claim 3: Wilson discloses an otherwised shape (fig 4b).

As to claim 4: Wilson discloses a spring (5:16-17).

As to claim 6: Wilson discloses means for pulling said fastener from said shaft (item 9).

As to claim 8: See claim 1 rejection.

As to claim 9: See claim 2 rejection.

As to claim 10: See claim 3 rejection.

As to claim 11: See claim 4 rejection.

As to claim 13: See claim 6 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crain as applied to claim 1 above. Crain discloses the elements of claim 5, however it fails to clearly disclose the force of the spring used. No criticality is seen in the force required to compress said spring. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent spring tensions in order to for the pin to securely attach the device to the handle.

As to claim 12: See claim 5 rejection.

Also,

Claims 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson as applied to claim 1 above. Wilson discloses the elements of claim 5, however it fails to clearly disclose the force of the spring used. No criticality is seen in the force required to compress said spring. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent spring tensions in order to for the pin to securely attach the device to the handle.

As to claim 12: See claim 5 rejection.

Claims 15-18, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dill et al in view of Wilson. Dill et al discloses the elements of claim

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15, however it fails to clearly disclose the use of fastener body. Wilson discloses the use of a fastener body to secure an assembly (fig 4a, 6:63-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the fastener body of Wilson with the apparatus of Dill et al in order to more easily replace the handle without tools.

As to claim 16: Wilson discloses a plastic fastener body (4:43-48).

As to claim 17: Wilson discloses an otherwised shape (fig 4b).

As to claim 18: Wilson discloses a spring (5:16-17).

As to claim 20: Wilson discloses means for pulling said fastener from said shaft (item 9).

As to claim 22: See claim 15 rejection. The method claimed would naturally be used by one using the device.

Allowable Subject Matter

Claims 7, 14 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 7/12/04 have been fully considered but they are not persuasive.

As noted in the prior office action, the limitation in the preamble is not limiting. The claim merely calls for a fastener which is detailed in the cited art.

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Although the declaration is defective, a review of the paper indicates it deals with the device of the inventor. Unfortunately the current claim language is more broad than the discussion of the applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is (571) 272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael Chambers
Examiner
Art Unit 3711

December 10, 2004


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700